

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): RANDALL J. LEE, State Bar No. 144220 ALEXANDER F. PEVZNER, State Bar No. 221606 WALSWORTH, FRANKLIN, BEVINS & MCCALL, LLP 601 Montgomery Street, 9th Fl. San Francisco, CA 94111-2612 TELEPHONE NO.: (415) 781-7072 FAX NO.: (415) 391-6258 ATTORNEY FOR (Name): Plaintiff ASIA PACIFIC CHARTERING	FOR COURT USE ONLY
NAME OF COURT: U.S. DISTRICT COURT, NO. DISTRICT OF CA STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:	
PLAINTIFF: ASIA PACIFIC CHARTERING DEFENDANT: FARSN, Inc. et al.	
<input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT AFTER HEARING <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT AFTER HEARING	CASE NUMBER: CV-09-4090 CRB

1. a. The application of plaintiff (name): ASIA PACIFIC CHARTERING

for ☒ a right to attach order and order for issuance of writ of attachment

☐ an order for issuance of additional writ of attachment

against the property of defendant (name): FARSN, INC.

came on for hearing as follows:

(1) Judge (name): Charles R. Breyer

(2) Hearing date: 10/16/09 Time: 10:00 a.m. ☐ Dept.: ☐ Div.: ☒ Rm.: 8

b. The following persons were present at the hearing:

(1) ☒ Plaintiff (name): ASIA PACIFIC CHARTERING

(3) ☒ Plaintiff's attorney (name): Alex F. Pevzner

(2) ☐ Defendant (name):

(4) ☐ Defendant's attorney (name):

2. THE COURT FINDS

FINDINGS

a. Defendant (specify name): FARSN, Inc. et al. is a ☐ natural person ☐ partnership
☐ unincorporated association ☒ corporation ☐ other (specify):

b. The claim upon which the application is based is one upon which an attachment may be issued.

c. Plaintiff has established the probable validity of the claim upon which the attachment is based.

d. The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.

e. The amount to be secured by the attachment is greater than zero.

f. ☐ Defendant failed to prove that all the property described in plaintiff's application is exempt from attachment.

g. ☐ The following property of defendant, described in plaintiff's application

(1) ☐ is exempt from attachment (specify):

(2) ☐ is not exempt from attachment (specify):

h. ☐ The following property, not described in plaintiff's application, claimed by defendant to be exempt

(1) ☐ is exempt from attachment (specify):

(2) ☐ is not exempt from attachment (specify):

i. ☒ An undertaking in the amount of: \$ 10,000.00 is required before a writ shall issue, and plaintiff
☒ has ☐ has not filed an undertaking in that amount.

j. A Right to Attach Order was issued on (date): pursuant to

☐ Code of Civil Procedure section 484.090 (on hearing)

☐ Code of Civil Procedure section 485.220 (ex parte)

k. ☐ Other (specify):

(Continued on reverse)

SHORT TITLE: ASIA PACIFIC CHARTERING v. FARSN, INC. et al.	CASE NUMBER: CV-09-4090 CRB
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ORDER**3. THE COURT ORDERS**

a. Plaintiff has a right to attach property of defendant (*name*): FARSN, Inc. et al.

in the amount of: \$ 1,145,462.00

b. ☐ The property described in items 2g(1) and 2h(1) of the findings is exempt and shall not be attached.

c. The clerk shall issue ☒ a writ of attachment ☐ an additional writ of attachment in the amount stated in item 3a ☒ forthwith ☐ upon the filing of an undertaking in the amount of: \$

(1) ☒ for any property of a defendant who is **not** a natural person for which a method of levy is provided.

(2) ☐ for the property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010, described as follows (*specify*):

(3) ☐ for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of sale of such property, described as follows (*specify*):

(4) ☐ for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (*specify*):

d. ☐ Defendant shall transfer to the levying officer possession of

(1) ☐ any documentary evidence in defendant's possession of title to any property described in item 3c;

(2) ☐ any documentary evidence in defendant's possession of debt owed to defendant described in item 3c;

(3) ☐ the following property in defendant's possession (*specify*):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.
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e. ☐ Other (*specify*):

f. Total number of boxes checked in item 3: 0

Date: October 16, 2009

Hon. CHARLES R. BREYER
(TYPE OR PRINT NAME)

(SIGNATURE OF JUDGE OR COMMISSIONER)